Exhibit A

UNITED STATES DIS SOUTHERN DISTRIC			
WINKLEVOSS CAPIT	ΓAL FUND, LLC,	:	18-cv-8250 (JSR)
v.	Plaintiff,	:	
CHARLES SHREM,		:	
_	Defendant.	:	
		X	

DEFENDANT CHARLES SHREM'S NOTICE OF THIRD PARTY SUBPOENAS TO PRODUCE DOCUMENTS, INFORMATION OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

BRIAN E. KLEIN
DONALD R. PEPPERMAN (pro hac vice)
BAKER MARQUART LLP
777 S. Figueroa Street, Suite 2850
Los Angeles, California 90017
Tel: (424) 652-7800
bklein@bakermarquart.com
dpepperman@bakermarquart.com

Attorneys for Charlie Shrem

TO PLAINTIFF WINKLEVOSS CAPITAL FUND, LLC AND ITS ATTORNEYS

OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 45(a)(4), Defendant

Charlie Shrem, erroneously sued as "Charles Shrem" and individually, will cause to be

served Subpoena To Produce Documents, Information or Objects or to Permit Inspection of

Premises in Civil Action upon the following:

1. Metropolitan Bank Holding Corp.;

2. Signature Securities Group Corporation;

3. Deutsche Bank Trust Corporation.

Copies of the subpoenas are attached hereto.

Dated: January 16, 2019 /s/ Brian E. Klein

Brian E. Klein

Donald R. Pepperman (pro hac vice)

Baker Marquart LLP

777 S. Figueroa St., Suite 2850

Los Angeles, California 90017

Telephone: (424) 652-7800 / Fax: (424) 652-7850

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E-mail: dpepperman@bakermarquart.com

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

Southern District of New York

Winklevoss	Capital Fund, LLC		
	Plaintiff)	40 0050 (105)	
	v.)	Civil Action No. 18-cv-8250 (JSR)	
Cha	arles Shrem)		
)		
4	Defendant)		
	POENA TO PRODUCE DOCUMENTS OR TO PERMIT INSPECTION OF PR		
To:	Metropolitan Bank c/o Herrick Feinstein LLP, 2 Park Ave	nue, New York, New York, 10016	
	(Name of person to whom th	is subpoena is directed)	
documents, electronical material:	lly stored information, or objects, and to p	he time, date, and place set forth below the following ermit inspection, copying, testing, or sampling of the	
Place: Baker Marquar	t LLP	Date and Time:	
777 S. Figueroa	a Street, Suite 2850	01/31/2019 10:00 am	
Los Angeles, C	California 90017	01/31/2019 10.00 alli	
other property possesse	ed or controlled by you at the time, date, a	permit entry onto the designated premises, land, or and location set forth below, so that the requesting party operty or any designated object or operation on it. Date and Time:	
riace.		Date and Time.	
Rule 45(d), relating to		ed – Rule 45(c), relating to the place of compliance; becomes; and Rule 45(e) and (g), relating to your duty to oing so.	
Date: 01/16/2019			
	CLERK OF COURT	OR BEND	
	Signature of Clerk or Deputy Clerk	Attorney's signature	
The name address a m	nail address, and telephone number of the	ottorney representing (name of parts)	
	_		
Defendant Charles Shre		, who issues or requests this subpoena, are:	
Brian Klein, Baker Marc	quart, 777 S. Figueroa St, Ste 2850, LA, C	A 90017; bklein@bakermarquart.com; (424) 652-7800	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

 $Civil\ Action\ No.\ \ 18\text{-cv-8250 (JSR)}$

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this sub	ppoena for (name of individual and title, if a		
date)	·		
☐ I served the su	bpoena by delivering a copy to the na	med person as follows:	
-		on (date) ;	or
	subpoena unexecuted because:		
		d States, or one of its officers or agents, I se, and the mileage allowed by law, in the	
\$	·		
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pe	enalty of perjury that this information	is true.	
: :			
		Server's signature	
		Printed name and title	
		Server's address	
		server s address	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- **(C)** Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----X

WINKLEVOSS CAPITAL FUND, LLC, : 18-cv-8250 (JSR)

Plaintiff, :

v. EXHIBIT A OF SUBPOENA TO

METROPOLITAN BANK HOLDING

CORP.

CHARLES SHREM,

.

Defendant.

-----x

Pursuant to the attached document subpoena to Metropolitan Bank Holding Corp., please produce the following documents:

- 1. All documents related to any accounts held by, registered to, or opened under the name Cameron Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 2. All documents related to any accounts held by, registered to, or opened under the name Tyler Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 3. All documents related to any accounts held by, registered to, or opened under the name Winklevoss Capital Fund, LLC, from 2012 to 2014, including account statements, and transaction records.
- 4. All documents related to any accounts held by, registered to, or opened under the name Gemini Trust Company, LLC, from 2012 to 2014, including account statements, and transaction records.

5. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Capital Management, LLC, from 2012 to 2014, including account

statements, and transaction records.

6. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Bitcoin Trust, from 2012 to 2014, including account statements, and

transaction records.

7. All documents related to any accounts held by, registered to, or opened under the

name Maguire Ventures, LLC, from 2012 to 2014, including account statements, and

transaction records.

Dated: January 16, 2019

Respectfully Submitted,

/s/ Brian E. Klein

Brian E. Klein

Donald R. Pepperman (pro hac vice)

Baker Marquart LLP

777 S. Figueroa St., Suite 2850

Los Angeles, California 90017

Tel.: (424) 652-7800/Fax: (424) 652-7850

E-mail: bklein@bakermarquart.com

E-mail: dpepperman@bakermarquart.com

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

Southern District of New York

71			
Plaintiff)	19 OV 9250 (ISD)		
V.	Civil Action No. 18-cv-8250 (JSR)		
Charles Shrem)			
Defendant)			
SUBPOENA TO PRODUCE DOCUMENTS OR TO PERMIT INSPECTION OF PRI			
To: Signature Securities G c/o Corporation Service Company, 80 State	Street, Albany, New York, 12207-2543		
(Name of person to whom the	is subpoena is directed)		
documents, electronically stored information, or objects, and to pomaterial:			
Place: Baker Marquart LLP	Date and Time:		
777 S. Figueroa Street, Suite 2850 Los Angeles, California 90017	01/31/2019 10:00 am		
other property possessed or controlled by you at the time, date, an may inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, and may inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, and may inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, and may inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, and may inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, and may inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by you at the time, date, and the property possessed or controlled by the proper			
The following provisions of Fed. R. Civ. P. 45 are attache Rule 45(d), relating to your protection as a person subject to a sub respond to this subpoena and the potential consequences of not do	bpoena; and Rule 45(e) and (g), relating to your duty to		
Rule 45(d), relating to your protection as a person subject to a sub	bpoena; and Rule 45(e) and (g), relating to your duty to		
Rule 45(d), relating to your protection as a person subject to a sub respond to this subpoena and the potential consequences of not do	bpoena; and Rule 45(e) and (g), relating to your duty to		
Rule 45(d), relating to your protection as a person subject to a subrespond to this subpoena and the potential consequences of not do Date:01/16/2019	bpoena; and Rule 45(e) and (g), relating to your duty to oing so.		
Rule 45(d), relating to your protection as a person subject to a subrespond to this subpoena and the potential consequences of not do Date:01/16/2019	OR Attorney's signature		
Rule 45(d), relating to your protection as a person subject to a subrespond to this subpoena and the potential consequences of not do Date: O1/16/2019 CLERK OF COURT Signature of Clerk or Deputy Clerk	OR Attorney's signature		

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

 $Civil\ Action\ No.\ \ 18\text{-cv-8250 (JSR)}$

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this su	bpoena for (name of individual and title, if a	ny)	
n (date)	·		
☐ I served the su	abpoena by delivering a copy to the nat	med person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
tendered to the w		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	enalty of perjury that this information	is true.	
e:		Server's signature	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
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(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

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- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- **(C)** Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

WINKLEVOSS CAPITAL FUND, LLC, : 18-cv-8250 (JSR)

Plaintiff, :

v. EXHIBIT A OF SUBPOENA TO

SIGNATURE SECURITIES GROUP

CHARLES SHREM, CORPORATION

.

Defendant.

-----X

Pursuant to the attached document subpoena to Signature Securities Group Corporation, please produce the following documents:

- 1. All documents related to any accounts held by, registered to, or opened under the name Cameron Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 2. All documents related to any accounts held by, registered to, or opened under the name Tyler Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 3. All documents related to any accounts held by, registered to, or opened under the name Winklevoss Capital Fund, LLC, from 2012 to 2014, including account statements, and transaction records.
- 4. All documents related to any accounts held by, registered to, or opened under the name Gemini Trust Company, LLC, from 2012 to 2014, including account statements, and transaction records.

5. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Capital Management, LLC, from 2012 to 2014, including account

statements, and transaction records.

6. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Bitcoin Trust, from 2012 to 2014, including account statements, and

transaction records.

7. All documents related to any accounts held by, registered to, or opened under the

name Maguire Ventures, LLC, from 2012 to 2014, including account statements, and

transaction records.

Dated: January 16, 2019

Respectfully Submitted,

/s/ Brian E. Klein

Brian E. Klein

Donald R. Pepperman (pro hac vice)

Baker Marquart LLP

777 S. Figueroa St., Suite 2850

Los Angeles, California 90017

Tel.: (424) 652-7800/Fax: (424) 652-7850

E-mail: bklein@bakermarquart.com

E-mail: dpepperman@bakermarquart.com

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

Southern District of New York

Civil Action No. 18-cv-8250 (JSR) Charles Shrem Defendant SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION To: Deutsche Bank Trust Corporation Clo CT Corporation System, New York, New York, 10011 (Name of person to whom this subpoena is directed) Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Place: Baker Marquart LLP 777 S. Figueroa Street, Suite 2850 Los Angeles, California 90017 Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it. Place: Date and Time: The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: OR Autorney's signature CLERK OF COURT OR Autorney's signature CLERK OF COURT OR Autorney's signature The name, address, e-mail address, and telephone number of the attorney representing (nume of purpy) Defendant Charles Shrem , who issues or requests this subpoena, are: Brian Klein, Baker Marquart, 777 S. Figueroa St, Ste 2850, LA, CA 90017; bklein@bakermarquart.com; (424) 652-7800	Winkley	oss Capital Fund, LLC		
SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION To: Deutsche Bank Trust Corporation clo CT Corporation System, New York, New York, 10011 (Name of person to whom this subpoena is directed) Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Place: Baker Marquart LLP 777 S. Figueroa Street, Suite 2850 Los Angeles, California 90017 Date and Time: Date and Time: Date and Time:		Plaintiff)	40 0050 (100)	
SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION To: Deutsche Bank Trust Corporation c/o CT Corporation System, New York, New York, 10011 (Name of person to whom this subpoena is directed) Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Place: Baker Marquart LLP 777 S. Figueroa Street, Suite 2850 Los Angeles, California 90017 Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it. Place: Date and Time: The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: OI/16/2019 CLERK OF COURT OR Signature of Clerk or Deputy Clerk Attorney's signature The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendant Charles Shrem , who issues or requests this subpoena, are:		,	Civil Action No. 18-cv-8250 (JSR)	
SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION To: Deutsche Bank Trust Corporation (/o CT Corporation System, New York, New York, 10011 (/Name of person to whom this subpoena is directed) ### Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Place: Baker Marquart LLP	(Charles Shrem)		
SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION To: Deutsche Bank Trust Corporation (/o CT Corporation System, New York, New York, 10011 (/Name of person to whom this subpoena is directed) ### Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Place: Baker Marquart LLP)		
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C/o CT Corporation System, New York, New York, 10011 (Name of person to whom this subpoena is directed) Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Place: Baker Marquart LLP 777 S. Figueroa Street, Suite 2850 Los Angeles, California 90017 Date and Time: O1/31/2019 10:00 am Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it. Place: Date and Time: Date and Time: The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: O1/16/2019 CLERK OF COURT OR Signature of Clerk or Deputy Clerk Attorney's signature The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendant Charles Shrem , who issues or requests this subpoena, are:	S			
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□ Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it. Place: Date and Time: Date and Time: Date and Time: Date and Time: Date a	777 S. Figue	eroa Street, Suite 2850	01/31/2019 10:00 am	
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CLERK OF COURT OR Signature of Clerk or Deputy Clerk The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendant Charles Shrem, who issues or requests this subpoena, are:	Rule 45(d), relating	to your protection as a person subject to a su	bpoena; and Rule 45(e) and (g), relating to your duty to	
Signature of Clerk or Deputy Clerk Attorney's signature The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendant Charles Shrem, who issues or requests this subpoena, are:	Date: 01/16/201	9		
The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendant Charles Shrem , who issues or requests this subpoena, are:		CLERK OF COURT	OR BE.W	
Defendant Charles Shrem , who issues or requests this subpoena, are:		Signature of Clerk or Deputy Clerk	Attorney's signature	
Defendant Charles Shrem , who issues or requests this subpoena, are:	The name address	e-mail address and telephone number of the	attorney representing (name of party)	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Case 1:18-cv-08250-JSR Document 94-2 Filed 01/24/19 Page 17 of 49

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

 $Civil\ Action\ No.\ \ 18\text{-cv-8250 (JSR)}$

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this su	bpoena for (name of individual and title, if a	ny)	
n (date)	·		
☐ I served the su	abpoena by delivering a copy to the nat	med person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
tendered to the w		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	enalty of perjury that this information	is true.	
e:		Server's signature	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- **(B)** Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
- **(A)** *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- **(C)** Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----X

WINKLEVOSS CAPITAL FUND, LLC, : 18-cv-8250 (JSR)

Plaintiff, :

v. EXHIBIT A OF SUBPOENA TO

DEUTSCHE BANK TRUST

CHARLES SHREM, CORPORATION

:

Defendant.

-----X

Pursuant to the attached document subpoena to Deutsche Bank Trust Corporation, please produce the following documents:

- 1. All documents related to any accounts held by, registered to, or opened under the name Cameron Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 2. All documents related to any accounts held by, registered to, or opened under the name Tyler Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 3. All documents related to any accounts held by, registered to, or opened under the name Winklevoss Capital Fund, LLC, from 2012 to 2014, including account statements, and transaction records.
- 4. All documents related to any accounts held by, registered to, or opened under the name Gemini Trust Company, LLC, from 2012 to 2014, including account statements, and transaction records.

5. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Capital Management, LLC, from 2012 to 2014, including account

statements, and transaction records.

6. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Bitcoin Trust, from 2012 to 2014, including account statements, and

transaction records.

7. All documents related to any accounts held by, registered to, or opened under the

name Maguire Ventures, LLC, from 2012 to 2014, including account statements, and

transaction records.

Dated: January 16, 2019

Respectfully Submitted,

/s/ Brian E. Klein

Brian E. Klein

Donald R. Pepperman (pro hac vice)

Baker Marquart LLP

777 S. Figueroa St., Suite 2850

Los Angeles, California 90017

Tel.: (424) 652-7800/Fax: (424) 652-7850

E-mail: bklein@bakermarquart.com

E-mail: dpepperman@bakermarquart.com

PROOF OF SERVICE

I, Teresa L. Huggins, am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 777 S. Figueroa Street, Suite 2850, Los Angeles, CA 90017.

On January 16, 2019, I served true copies of the document(s) described as:

DEFENDANT CHARLES SHREM'S NOTICE OF THIRD PARTY SUBPOENAS TO PRODUCE DOCUMENTS, INFORMATION OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

on the parties in this action as follows:

Tyler Meade, Esq.
Sam Ferguson, Esq.
Seena Forouzan, Esq.
The Meade Firm
12 Funston Avenue, Suite A
San Francisco, CA 94129
tyler@meadefirm.com
sam@meadefirm.com
seena@meadefirm.com

[X] BY ELECTRONIC MAIL:

I caused the document to be sent to the respective e-mail addresses of the parties. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY FIRST CLASS U.S. MAIL:

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it is deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 16, 2019, at Los Angeles, California.

Lever Huggins
Teresa L. Huggins

	DISTRICT COURT LICT OF NEW YORK 		
WINKLEVOSS CAI	PITAL FUND, LLC,	:	18-cv-8250 (JSR)
v.	Plaintiff,	:	
CHARLES SHREM	,	:	
	Defendant.	:	
		·X	

DEFENDANT CHARLES SHREM'S NOTICE OF THIRD PARTY SUBPOENAS TO PRODUCE DOCUMENTS, INFORMATION OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

BRIAN E. KLEIN
DONALD R. PEPPERMAN (pro hac vice)
BAKER MARQUART LLP
777 S. Figueroa Street, Suite 2850
Los Angeles, California 90017
Tel: (424) 652-7800
bklein@bakermarquart.com
dpepperman@bakermarquart.com

Attorneys for Charlie Shrem

TO PLAINTIFF WINKLEVOSS CAPITAL FUND, LLC AND ITS ATTORNEYS

OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 45(a)(4), Defendant

Charlie Shrem, erroneously sued as "Charles Shrem" and individually, will cause to be

served Subpoena To Produce Documents, Information or Objects or to Permit Inspection of

Premises in Civil Action upon the following:

1. Silicon Valley Bank

2. Silvergate Bank

3. Chase Bank

Dated: January 15, 2019

/s/ Brian E. Klein

Brian E. Klein

Donald R. Pepperman (pro hac vice)

Baker Marquart LLP

777 S. Figueroa St., Suite 2850

Los Angeles, California 90017

Telephone: (424) 652-7800 / Fax: (424) 652-7850

E-mail: bklein@bakermarquart.com

E-mail: dpepperman@bakermarquart.com

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

Southern District of New York

Winklevoss Capital Fund, LLC)
Plaintiff	
V.	Civil Action No. 18-cv-8250 (JSR)
Charles Shrem)
	_)
Defendant)
	CUMENTS, INFORMATION, OR OBJECTS ON OF PREMISES IN A CIVIL ACTION
c/o CT Corporation System,	Silicon Valley Bank 111 Eight Avenue, New York, New York, 10011
(Name of pers	on to whom this subpoena is directed)
♣ Production: YOU ARE COMMANDED to a documents, electronically stored information, or object material:	produce at the time, date, and place set forth below the following ets, and to permit inspection, copying, testing, or sampling of the
Place: Baker Marquart LLP	Date and Time:
777 S. Figueroa Street, Suite 2850 Los Angeles, California 90017	01/31/2019 10:00 am
other property possessed or controlled by you at the ti	ANDED to permit entry onto the designated premises, land, or ime, date, and location set forth below, so that the requesting party imple the property or any designated object or operation on it. Date and Time:
Rule 45(d), relating to your protection as a person sub respond to this subpoena and the potential consequence. Date: 01/15/2019	5 are attached – Rule 45(c), relating to the place of compliance; oject to a subpoena; and Rule 45(e) and (g), relating to your duty to ces of not doing so.
CLERK OF COURT	OR BEND
Signature of Clerk or Dep	outy Clerk Attorney's signature
The name, address, e-mail address, and telephone num	nber of the attorney representing (name of party)
Defendant Charles Shrem	, who issues or requests this subpoena, are:
	2850, LA, CA 90017; bklein@bakermarquart.com; (424) 652-7800
Diram Niem, Daker Warquart, 111 3. Figuerod St, Ste	2000, LA, CA 90017, Discille Dakel Halqualt. Colli, (424) 002-7000

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Case 1:18-cv-08250-JSR Document 94-2 Filed 01/24/19 Page 26 of 49

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

 $Civil\ Action\ No.\ \ 18\text{-cv-8250 (JSR)}$

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this sub	ppoena for (name of individual and title, if a		
date)	·		
☐ I served the su	bpoena by delivering a copy to the na	med person as follows:	
-		on (date) ;	or
	subpoena unexecuted because:		
		d States, or one of its officers or agents, I se, and the mileage allowed by law, in the	
\$	·		
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pe	enalty of perjury that this information	is true.	
: :			
		Server's signature	
		Printed name and title	
		Server's address	
		server s address	

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----X

WINKLEVOSS CAPITAL FUND, LLC, : 18-cv-8250 (JSR)

Plaintiff, :

v. EXHIBIT A OF SUBPOENA TO

SILICON VALLEY BANK

CHARLES SHREM,

.

Defendant.

-----X

Pursuant to the attached document subpoena to Silicon Valley Bank, please produce the following documents:

- 1. All documents related to any accounts held by, registered to, or opened under the name Cameron Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 2. All documents related to any accounts held by, registered to, or opened under the name Tyler Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 3. All documents related to any accounts held by, registered to, or opened under the name Winklevoss Capital Fund, LLC, from 2012 to 2014, including account statements, and transaction records.
- 4. All documents related to any accounts held by, registered to, or opened under the name Gemini Trust Company, LLC, from 2012 to 2014, including account statements, and transaction records.

5. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Capital Management, LLC, from 2012 to 2014, including account

statements, and transaction records.

6. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Bitcoin Trust, from 2012 to 2014, including account statements, and

transaction records.

7. All documents related to any accounts held by, registered to, or opened under the

name Maguire Ventures, LLC, from 2012 to 2014, including account statements, and

transaction records.

Dated: January 15, 2019

Respectfully Submitted,

/s/ Brian E. Klein

Brian E. Klein

Donald R. Pepperman (pro hac vice)

Baker Marquart LLP

777 S. Figueroa St., Suite 2850

Los Angeles, California 90017

Tel.: (424) 652-7800/Fax: (424) 652-7850

E-mail: bklein@bakermarquart.com

E-mail: dpepperman@bakermarquart.com

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

Southern District of New York

Winklevoss Capital Fund, LLC)	
Plaintiff)	
V.	Civil Action No. 18-cv-8250 (JSR)	
Charles Shrem		
)	
	IENTS, INFORMATION, OR OBJECTS OF PREMISES IN A CIVIL ACTION	
	gate Bank, NY ive Square, Ste. 300, La Jolla, CA 92037	
(Name of person to v	whom this subpoena is directed)	
documents, electronically stored information, or objects, an material:	ice at the time, date, and place set forth below the following and to permit inspection, copying, testing, or sampling of the	
Place: Baker Marquart LLP	Date and Time:	
777 S. Figueroa Street, Suite 2850 Los Angeles, California 90017	01/31/2019 10:00 am	
	ED to permit entry onto the designated premises, land, or	
may inspect, measure, survey, photograph, test, or sample t	late, and location set forth below, so that the requesting party the property or any designated object or operation on it.	
Place:	Date and Time:	
	attached – Rule 45(c), relating to the place of compliance; o a subpoena; and Rule 45(e) and (g), relating to your duty to not doing so.	
Date: 01/14/2019		
CLERK OF COURT	OR BE. De	
Signature of Clerk or Deputy Cl	erk Attorney's signature	
The name, address, e-mail address, and telephone number of	of the attorney representing (name of party)	
Defendant Charles Shrem	, who issues or requests this subpoena, are:	
Brian Klein, Baker Marquart, 777 S. Figueroa St, Ste 2850,	LA, CA 90017; bklein@bakermarquart.com; (424) 652-7800	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Case 1:18-cv-08250-JSR Document 94-2 Filed 01/24/19 Page 32 of 49

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

 $Civil\ Action\ No.\ \ 18\text{-cv-8250 (JSR)}$

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this s	ubpoena for (name of individual and title, if an	ny)	
date)	·		
☐ I served the s	subpoena by delivering a copy to the nar	med person as follows:	
		on (date) ;	or
	e subpoena unexecuted because:	·	
tendered to the v		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	penalty of perjury that this information i	s true.	
:			
		Server's signature	
		Printed name and title	

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----X

WINKLEVOSS CAPITAL FUND, LLC, : 18-cv-8250 (JSR)

Plaintiff, :

v. EXHIBIT A OF SUBPOENA TO

SILVERGATE BANK

CHARLES SHREM,

•

Defendant.

-----X

Pursuant to the attached document subpoena to Silvergate Bank, please produce the following documents:

- 1. All documents related to any accounts held by, registered to, or opened under the name Cameron Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 2. All documents related to any accounts held by, registered to, or opened under the name Tyler Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 3. All documents related to any accounts held by, registered to, or opened under the name Winklevoss Capital Fund, LLC, from 2012 to 2014, including account statements, and transaction records.
- 4. All documents related to any accounts held by, registered to, or opened under the name Gemini Trust Company, LLC, from 2012 to 2014, including account statements, and transaction records.

5. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Capital Management, LLC, from 2012 to 2014, including account

statements, and transaction records.

6. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Bitcoin Trust, from 2012 to 2014, including account statements, and

transaction records.

7. All documents related to any accounts held by, registered to, or opened under the

name Maguire Ventures, LLC, from 2012 to 2014, including account statements, and

transaction records.

Dated: January 15, 2019

Respectfully Submitted,

/s/ Brian E. Klein

Brian E. Klein

Donald R. Pepperman (pro hac vice)

Baker Marquart LLP

777 S. Figueroa St., Suite 2850

Los Angeles, California 90017

Tel.: (424) 652-7800/Fax: (424) 652-7850

E-mail: bklein@bakermarquart.com

E-mail: dpepperman@bakermarquart.com

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

Southern District of New York

Winklevoss Capital Fund, LLC	
Plaintiff)	Civil Action No. 18-cv-8250 (JSR)
V.) Charles Shrem)	Civil Action No. 18-cv-8250 (JSR)
)	
Defendant)	
SUBPOENA TO PRODUCE DOCUME OR TO PERMIT INSPECTION OF	
c/o The Corporation Trust Company, 12	, National Association 209 Orange Street, Wilmington, DE, 19801
	om this subpoena is directed)
**Production: YOU ARE COMMANDED to produce documents, electronically stored information, or objects, and material:	e at the time, date, and place set forth below the following to permit inspection, copying, testing, or sampling of the
Place: Baker Marquart LLP	Date and Time:
777 S. Figueroa Street, Suite 2850 Los Angeles, California 90017	01/31/2019 10:00 am
other property possessed or controlled by you at the time, dat may inspect, measure, survey, photograph, test, or sample the	e, and location set forth below, so that the requesting party
The following provisions of Fed. R. Civ. P. 45 are att Rule 45(d), relating to your protection as a person subject to a respond to this subpoena and the potential consequences of n Date:01/15/2019	
CLERK OF COURT	OR BEED
Signature of Clerk or Deputy Clerk	k Attorney's signature
The name, address, e-mail address, and telephone number of	the attorney representing (name of party)
Defendant Charles Shrem	, who issues or requests this subpoena, are:
Brian Klein, Baker Marquart, 777 S. Figueroa St, Ste 2850, L	A, CA 90017; bklein@bakermarquart.com; (424) 652-7800

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

 $Civil\ Action\ No.\ \ 18\text{-cv-8250 (JSR)}$

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this su	bpoena for (name of individual and title, if a	ny)	
n (date)	·		
☐ I served the su	ubpoena by delivering a copy to the nar	med person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
tendered to the w		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	enalty of perjury that this information i	is true.	
e:		Server's signature	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- **(C)** Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

WINKLEVOSS CAPITAL FUND, LLC, : 18-cv-8250 (JSR)

Plaintiff, :

v. EXHIBIT A OF SUBPOENA TO

CHASE BANK

CHARLES SHREM,

.

Defendant.

-----X

Pursuant to the attached document subpoena to Chase Bank, please produce the following documents:

- 1. All documents related to any accounts held by, registered to, or opened under the name Cameron Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 2. All documents related to any accounts held by, registered to, or opened under the name Tyler Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 3. All documents related to any accounts held by, registered to, or opened under the name Winklevoss Capital Fund, LLC, from 2012 to 2014, including account statements, and transaction records.
- 4. All documents related to any accounts held by, registered to, or opened under the name Gemini Trust Company, LLC, from 2012 to 2014, including account statements, and transaction records.

5. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Capital Management, LLC, from 2012 to 2014, including account

statements, and transaction records.

6. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Bitcoin Trust, from 2012 to 2014, including account statements, and

transaction records.

7. All documents related to any accounts held by, registered to, or opened under the

name Maguire Ventures, LLC, from 2012 to 2014, including account statements, and

transaction records.

Dated: January 15, 2019

Respectfully Submitted,

/s/ Brian E. Klein

Brian E. Klein

Donald R. Pepperman (pro hac vice)

Baker Marquart LLP

777 S. Figueroa St., Suite 2850

Los Angeles, California 90017

Tel.: (424) 652-7800/Fax: (424) 652-7850

E-mail: bklein@bakermarquart.com

E-mail: dpepperman@bakermarquart.com

2

PROOF OF SERVICE

I, Teresa L. Huggins, am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 777 S. Figueroa Street, Suite 2850, Los Angeles, CA 90017.

On January 15, 2019, I served true copies of the document(s) described as:

DEFENDANT CHARLES SHREM'S NOTICE OF THIRD PARTY SUBPOENAS TO PRODUCE DOCUMENTS, INFORMATION OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

on the parties in this action as follows:

Tyler Meade, Esq.
Sam Ferguson, Esq.
Seena Forouzan, Esq.
The Meade Firm
12 Funston Avenue, Suite A
San Francisco, CA 94129
tyler@meadefirm.com
sam@meadefirm.com
seena@meadefirm.com

[X] BY ELECTRONIC MAIL:

I caused the document to be sent to the respective e-mail addresses of the parties. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY FIRST CLASS U.S. MAIL:

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it is deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 15, 2019, at Los Angeles, California.

Teresa L. Huggins

Lever Huggins

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

Southern District of New York

Winklevoss Capital Fund, LLC)
Plaintiff)
v.	Civil Action No. 18-cv-8250 (JSR)
Charles Shrem)
)
Defendant)
SUBPOENA TO PRODUCE DOCU	MENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION	OF PREMISES IN A CIVIL ACTION
To: Matt	thew Gruchevsky
(Name of person t	to whom this subpoena is directed)
Production: YOU ARE COMMANDED to prodocuments, electronically stored information, or objects, material:	oduce at the time, date, and place set forth below the following and to permit inspection, copying, testing, or sampling of the
Place: Baker Marquart LLP	Date and Time:
777 S. Figueroa Street, Suite 2850	
Los Angeles, California 90017	01/31/2019 10:00 am
other property possessed or controlled by you at the time	DED to permit entry onto the designated premises, land, or e, date, and location set forth below, so that the requesting party le the property or any designated object or operation on it. Date and Time:
	re attached – Rule 45(c), relating to the place of compliance; et to a subpoena; and Rule 45(e) and (g), relating to your duty to of not doing so.
Date: 01/15/2019	
CLERK OF COURT	
CLERK OF COOKI	OR Z
	K _ E. D
Signature of Clerk or Deputy	Clerk Attorney's signature
The name, address, e-mail address, and telephone number	
Defendant Charles Shrem	, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

Brian Klein, Baker Marquart, 777 S. Figueroa St, Ste 2850, LA, CA 90017; bklein@bakermarquart.com; (424) 652-7800

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

 $Civil\ Action\ No.\ 18$ -cv-8250 (JSR)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(date)	abpoena for (name of individual and title, if a.		
☐ I served the s	ubpoena by delivering a copy to the nar	med person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
tendered to the w		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	penalty of perjury that this information is	is true.	
: :		Server's signature	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- **(B)** Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----X

WINKLEVOSS CAPITAL FUND, LLC, : 18-cv-8250 (JSR)

Plaintiff, :

v. EXHIBIT A OF SUBPOENA TO

MATTHEW GRUCHEVSKY

CHARLES SHREM,

:

Defendant.

-----x

Pursuant to the attached document subpoena to Matthew Gruchevsky, please produce the following documents:

- 1. All documents related to any accounts held by, registered to, or opened under the name Cameron Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 2. All documents related to any accounts held by, registered to, or opened under the name Tyler Winklevoss, from 2012 to 2014, including account statements, and transaction records.
- 3. All documents related to any accounts held by, registered to, or opened under the name Winklevoss Capital Fund, LLC, from 2012 to 2014, including account statements, and transaction records.
- 4. All documents related to any accounts held by, registered to, or opened under the name Gemini Trust Company, LLC, from 2012 to 2014, including account statements, and transaction records.

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5. All documents related to any accounts held by, registered to, or opened under the name Winklevoss Capital Management, LLC, from 2012 to 2014, including account

statements, and transaction records.

6. All documents related to any accounts held by, registered to, or opened under the

name Winklevoss Bitcoin Trust, from 2012 to 2014, including account statements, and

transaction records.

7. All documents related to any accounts held by, registered to, or opened under the

name Maguire Ventures, LLC, from 2012 to 2014, including account statements, and

transaction records.

Dated: January 15, 2019

Respectfully Submitted,

/s/ Brian E. Klein

Brian E. Klein

Donald R. Pepperman (pro hac vice)

Baker Marquart LLP

777 S. Figueroa St., Suite 2850

Los Angeles, California 90017

Tel.: (424) 652-7800/Fax: (424) 652-7850

E-mail: bklein@bakermarquart.com

E-mail: dpepperman@bakermarquart.com